

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

HONORABLE PAUL L. MALONEY

v.

Case No. 1:04-cr-269

TRINIDAD PEREZ JR.,

Defendant.

**ORDER GRANTING MOTION TO WAIVE APPEARANCE OF DEFENDANT AND
FOR THE COURT TO DECIDE MOTION ON WRITTEN SUBMISSIONS AND
DENYING EMERGENCY MOTION FOR INTERRUPTION OF SENTENCE**

This matter is before the Court on Defendant Trinidad Perez Jr.'s Emergency Motion for Interruption of Sentence (Dkt. #25). Defendant also moves for this Court to waive his appearance and decide the motion on written submissions (Dkt. #26). The Court finds oral argument unnecessary and will proceed on the defendant's written submission.

Defendant is requesting the Court issue an order that will interrupt his sentence for seven days so that he may visit with his mother who is ill. A review of the docket sheet reflects that defendant was sentenced on March 10, 2005. At that time, Defendant was given two 60 month consecutive sentences. He was sentenced to the mandatory minimum required by statute of 60 months in custody for Possession With Intent to Distribute More Than 100 Grams of Heroin, followed by a 60 month sentence for Possession of a Firearm in Furtherance of a Drug Trafficking Offense. Upon consideration of the defendant's motion for interruption of sentence, the Court will deny the motion due to the nature of the instant offenses. Accordingly,

IT IS HEREBY ORDERED that Defendant Trinidad Perez Jr.'s Motion to Waive Appearance of Defendant and For the Court to Decide Motion on Written Submissions (Dkt. #26) is **GRANTED**.

IT IS FURTHER ORDERED that the defendant's Emergency Motion for Interruption of Sentence (Dkt. #25) is **DENIED**.

Date: November 16, 2009

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge